

Docket No. MCP-275 CON 2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Gelotte et al.  
Serial No. : 10/608,170  
Filed : June 26, 2003  
Title : RAPIDLY ABSORBED LIQUID COMPOSITIONS

Art Unit : 1614  
Examiner : D.A. Jagoe

Commissioner for Patents  
Washington, D.C. 20231

TERMINAL DISCLAIMER

Dear Sir:

McNeil-PPC, Inc., a corporation of the State of New Jersey, having a registered office at Grandview Road, Skillman, New Jersey 08558, is the assignee of the entire right, title and interest in and to the subject matter disclosed in the captioned application by virtue of an Assignment executed by the inventor Cathy Klech Gelotte, Joanna F. Hills, Charles E. Pendley II, and Manoj N. Shah on May 18, 2000 to McNeil-PPC, Inc in US Patent Application No.09/329,900, filed June 10, 1999. A copy of the Assignment is enclosed.

Aforementioned U.S. Patent Application Serial No. 10/608,170, filed June 26, 2003, is a continuation of U.S. Patent Application Serial No. 10/323,433, filed December 19, 2002, which in turn is a division of U.S. Patent Application Serial No. 09/777,086, filed February 5, 2001, which in turn is a continuation of U.S. Patent Application Serial No. 09/329,900, filed June 10, 1999, now issued as U.S. Pat. No. 6,211,246.

McNeil-PPC, Inc., hereby disclaims, under the provisions of 35 USC § 253 and 37 CFR §§ 1.321 and 3.73, the terminal part of any patent granted on application Serial No. 10/608,170 that would extend beyond the expiration date of U.S. Pat. No. 6,211,246 and hereby agrees that any patent so granted on application Serial No. 10/608,170 shall be enforceable only for and during such period that the legal title of said patent shall be the same as the legal title to U.S. Pat. No. 6,211,246, this agreement to run with any patent granted on application Serial No. 10/608,170 and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, McNeil-PPC, Inc., does not disclaim the terminal part of any patent granted on application Serial No. 10/608,170 that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§154 to 156 and 173 of U.S. Pat. No. 6,211,246, in the event that U.S. Pat. No. 6,211,246 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer filed prior to its grant.

The Terminal Disclaimer fee of \$120.00 and any additional fees that may be owed in connection with the filing of this Terminal Disclaimer can be charged to Johnson & Johnson Deposit Account No. 10-0750/MCP-275 CON 2/TT. Three copies of this sheet are enclosed.

The undersigned is an attorney of record.

Signed at New Brunswick, New Jersey this 25<sup>th</sup> day of August, 2005.

Respectfully submitted,

McNeil-PPC, Inc.

/Timothy E. Tracy, Reg. No. 39,401/  
Timothy E. Tracy  
Assistant Secretary

Johnson & Johnson  
One Johnson & Johnson Plaza  
New Brunswick, NJ 08933-7003  
(732) 524-6586  
Date: August 25, 2005  
Customer No. 000027777

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DOCKET NO. MCP-226  
Joint Inventors

**A S S I G N M E N T**

Serial No. 09/329,900  
Filed June 10, 1999

WHEREAS, Cathy Klech Gelotte, residing at 341 Evergreen Drive, North Wales, PA 19454; Joanna F. Hills, residing at 67 Chelfield Road, Glenside, PA 19038; Charles E. Pendley, II, residing at 961 Woodcrest Road, Abington, PA 19001; and Manoj N. Shah, residing at 2851 Highview Drive, Norristown, PA 19403 respectively (hereinafter called "Assignors"), have made certain new and useful inventions or discoveries relating to

**RAPIDLY ABSORBED LIQUID COMPOSITIONS,**

for which they have on the 29th day of July, 1999, executed an application for Letters Patent of the United States; and

WHEREAS, McNeil-PPC, Inc., a corporation of the State of New Jersey, (hereinafter called "Assignee"), is desirous of acquiring Assignors' entire right, title, and interest therein:

NOW, THEREFORE, BE IT KNOWN that for and in consideration of the sum of One Dollar and other valuable considerations to them moving, the receipt of which is hereby acknowledged, Assignors have sold, assigned, and transferred, and do hereby sell, assign and transfer unto said Assignee their entire right, title and interest in and to all said inventions and discoveries disclosed in said application whose identification above by serial number and filing date, when available is hereby authorized, and in and to said application, all substitutions, divisions, and continuations thereof, and in and to all Letters Patent, United States and foreign, that may be granted for said inventions and discoveries, and in and to all extensions, renewals, and reissues thereof, the same to be held and enjoyed by said Assignee, its successors and assigns, as fully and entirely as the same would have been held and enjoyed by Assignors if this Assignment and sale had not been made;

And Assignors hereby authorize and request the Commissioner of Patents of the United States to issue said Letters Patent in accordance with this Assignment;

And for the consideration aforesaid, Assignors covenant and agree with said Assignee that he has a full and unencumbered

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title to the inventions and discoveries above described and hereby assigned, which title they warrant unto said Assignee, its successors and assigns;

And for the consideration aforesaid, Assignors further covenant and agree that they will, whenever requested, but without cost to them promptly communicate to said Assignee or its representatives any facts known to them relating to said inventions and discoveries, testify in any interference or legal proceedings involving said inventions and discoveries, and execute any additional papers that may be necessary to enable said Assignee or its representatives, successors, nominees, or assigns to secure full and complete protection for the said inventions and discoveries or that may be necessary to vest in said Assignee the complete title to the said inventions and discoveries and patents hereby conveyed and to enable it to record said title.

IN TESTIMONY WHEREOF, Assignors have hereunto set their hands and seals this 18<sup>th</sup> day of May, 1999.

Cathy Klech Gelotte (L.S.)  
Cathy Klech Gelotte

Joanna F. Hills (L.S.)  
Joanna F. Hills

Charles E. Pendley, II (L.S.)  
Charles E. Pendley, II

Manoj N. Shah (L.S.)  
Manoj N. Shah

STATE OF PA )  
COUNTY OF Montgomery ) ss.

BE IT REMEMBERED, That on this 18<sup>th</sup> day of May, 1999, before me, a Notary Public, personally appeared Cathy Klech Gelotte, Joanna F. Hills, Charles E. Pendley, II, and Manoj N. Shah, who I am satisfied are the persons named in and who executed the foregoing instrument in my presence, and I having first made known to them the contents thereof, they did acknowledge that they signed, sealed, and delivered the same as their voluntary act and deed for the uses and purposes therein expressed.

Barbara M. Gilmore

